



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

December 8, 2009

CLEAN WATER ACT, SECTION 404
RIVERS AND HARBORS ACT, SECTION 10
PUBLIC NOTICE

**Individual Environmental Report (IER) # 11 – Tier 2 Pontchartrain,
Improved Protection on the Inner Harbor Navigation Canal,
Lake Pontchartrain and Vicinity (LPV), Orleans Parish, Louisiana**

INTRODUCTION. This Public Notice is issued in accordance with provisions of Title 33 CFR Parts 336.1(b)(1) and 337.1, which establish policy, practices, and procedures to be followed on Federal actions involving the disposal of dredged or fill material into waters of the United States (U.S.).

PROJECT AUTHORITY. The Lake Pontchartrain and Vicinity (LPV) project was authorized under the Flood Control Act of 1965 (Public Law [PL] 89-298, Title II, Sec. 204), which amended, authorized a “project for hurricane protection on Lake Pontchartrain, Louisiana ... substantially in accordance with the recommendations of the Chief of Engineers in House Document 231, Eighty-ninth Congress.” The original statutory authorization for the LPV project was amended by the Water Resources Development Act of 1974 (PL 93-251, Title I, Sec. 92), 1986 (PL 99-662, Title VIII, Sec. 805), 1990 (PL 101-640, Sec. 116), 1992 (PL 102-580, Sec. 102), 1996 (PL 104-303, Sec. 325), 1999 (PL 106-53, Sec. 324), and 2000 (PL 106-541, Sec. 432); and the Energy and Water Development Appropriations Acts of 1992 (PL 102-104, Title I, Construction, General), 1993 (PL 102-377, Title I, Construction, General), and 1994 (PL 103-126, Title I, Construction, General).

The Department of Defense Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act of 2006 (3rd Supplemental – PL 109-148, Chapter 3, Construction, Flood Control and Coastal Emergencies) authorized accelerated completion of the project and restoration of project features to design elevations at 100 percent Federal cost. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (4th Supplemental – PL 109-234, Title II, Chapter 3, Construction, and Flood Control and Coastal Emergencies) authorized construction of a 100-year level of protection. Additional Supplemental Appropriations include the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 H.R. 2206 (pg. 41-44), Title IV, Chapter 3, Flood Control and Coastal Emergencies (5th Supplemental), General Provisions, Sec. 4302.

LOCATION. The project corridor is located in the Seabrook area of Orleans Parish at the northern terminus of the Inner Harbor Navigation Canal (IHNC), adjacent to the south shore of Lake Pontchartrain near the New Orleans Lakefront Airport. Seabrook is a moderately developed area with several commercial and industrial businesses on the east bank of the IHNC and the Pontchartrain Park residential community to the immediate west. The IHNC is a man-made canal that connects the Mississippi River to the Gulf Intracoastal Waterway (GIWW) and Lake Pontchartrain. The Senator Ted Hickey Bridge (henceforth referred to as Seabrook Bridge), which connects Leon C. Simon Drive

across the IHNC at Lake Pontchartrain, is the nearest major road to the project area. Jourdan Road and France Road run parallel to the IHNC along the east and west sides of the project area, respectively. The northing and easting for the sector gate structure at Seabrook are 3325861.125 and 786037.7517, respectively. These coordinates are provided in North American Datum (NAD) 1983, Universal Transverse Mercator (UTM) Zone 15 North, meters.

PROJECT DESCRIPTION. The Tier 2 Pontchartrain project consists of the construction of a new flood control alignment across the IHNC 540 feet south of the Seabrook Bridge. Features of the proposed action include a steel sector gate, two non-navigable vertical lift gates, and floodwalls (T-walls) to tie the floodgates into the existing LPV hurricane and storm risk reduction system (HSDRRS). A sector gate would be built with a top of gate elevation of approximately +16.0 to +18.0 ft NAVD88 and a sill elevation no deeper than -20.0 ft NAVD88. This sector gate would have a 95-ft wide navigation opening. Dual vertical lift gates are necessary to maintain existing flow velocities through the sector gate and would be installed on either side of and adjacent to the sector gate. Each lift gate would have a width of no greater than 60 ft and sill elevations no deeper than -20.0 ft NAVD88. The tops of the lift gates would be flush with the adjacent sector gate. T-walls would be built to elevation +16.0 ft NAVD88.

A scour hole is present directly beneath the proposed action alignment; therefore, this alignment would require filling the existing scour hole before construction of the cofferdam and foundation could begin. The lower portion of the scour hole would be filled with coarse sand to El -42.0 ft NAVD88 before the guide wall and supporting piling are driven; then stone riprap would be placed around the support piling to El -37.0 ft NAVD88.

During construction, a single, temporary, braced cofferdam would be installed across the channel around the approximate perimeter of the sector and vertical lift gates for a period of approximately 6 months to 12 months. This portion of the channel could be closed to navigation and recreational vessels for the duration of the construction of the sector gate and vertical lift gates; however, ingress and egress to and from the Seabrook area of the IHNC via the GIWW would remain available. Construction activities would be expected to last for approximately 36 months. A significant amount of construction equipment would be required to conduct the work, including bulldozers, hydraulic cranes, mechanical cranes, hydraulic excavators, welders, concrete pump trucks, rollers, pile hammers, graders, tractors, front-end loaders, flatbed trucks, and pickup trucks.

The proposed action itself consists of measures to minimize the adverse effects of storm water erosion and, thus, requires no separate measures or controls for compliance with the Clean Water Act (CWA) Section 402(p) and Louisiana Administrative Code 33:IX.2341.B.14.j.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE: The impacts of the proposed action and alternatives to the proposed action will be analyzed and disclosed in Individual Environmental Report (IER) # 11 Tier 2 Pontchartrain.

STATE WATER QUALITY CERTIFICATION: An application for water quality certification has been sent to the Department of Environmental Quality, and a public notice has been laced in the Times-Picayune of New Orleans and the Advocate of Baton Rouge.

SECTION 404(b)(1) GUIDELINES: The placement of earthen fill material into the waters of the U.S. would be made through the application of guidelines promulgated by the Administrator, Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone prohibit the placement of earthen fill material, any potential impairment on the restoration and completion of the Lake Pontchartrain and Vicinity Hurricane Protection System which would result from failure to place this material will also be considered.

COASTAL ZONE CONSISTENCY DETERMINATION: A Coastal Zone Consistency Determination was prepared in May 2009 and coordinated with Louisiana Department of Natural Resources. Based on this coordination it was determined that the project was consistent to the maximum extent practicable on 9 November 2009.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) reviewed descriptions of the proposed action provided by CEMVN to determine if it would affect any threatened or endangered species under their jurisdiction or designated critical habitat. The USFWS reviewed the proposed action to determine if it would affect any threatened or endangered species or critical habitat under their jurisdiction. The USFWS concurred with the CEMVN in a letter dated 2 February 2009, that the proposed action would not have adverse impacts on threatened or endangered species. The NMFS reviewed the proposed action to see if it would affect any threatened or endangered species or critical habitat under their jurisdiction. The NMFS concurred with the CEMVN in a letter dated 31 August 2009 that the proposed action would not have adverse impacts on threatened or endangered species or their critical habitat.

ESSENTIAL FISH HABITAT: Temporary impacts to EFH in the vicinity of the project area during construction are anticipated, and up to 7 acres of open water and waterbottoms in the IHNC would be permanently lost to the new structure and associated ROW. Loss of deep-water habitat but possible beneficial impacts related to improved DO concentrations in the scour hole are anticipated. There could be permanent impacts due to changes in hydrology (salinity, DO, and velocity) and possible cumulative impacts to larval fish recruitment due to the MRGO closure structure and Borgne Barrier.

CULTURAL RESOURCES: In letters to the SHPO and Indian Tribes dated 6 February 2009, the CEMVN provided project specific documentation for Tier 2 Pontchartrain, evaluated cultural resource investigation results, and found that construction of the proposed action would have no adverse impacts on cultural resources. The SHPO concurred with our "no adverse effect" finding a letter dated 20 February 2009. The Choctaw Nation of Oklahoma and the Alabama-Coushatta Tribe of Texas concurred with our effect determination in letters dated 19 February 2009 and 3 March 2009, respectively. No other Indian Tribes responded to our requests for comment. Section 106 consultation for the proposed action is concluded. However, if any unrecorded cultural resources are determined to exist within the proposed action alternative, then no work will proceed in the area containing these cultural resources until a New Orleans District archaeologist has been notified and final coordination with the SHPO and Indian Tribes has been completed.

DISCHARGES BY OTHERS: No discharges are anticipated by others.

Coordination. The following is a partial list of agencies to which a copy of this notice is being sent:

U.S. Environmental Protection Agency, Region VI
U.S. Department of Commerce, NOAA National Marine Fisheries Service
U.S. Department of the Interior, U.S. Fish and Wildlife Service
U.S. Coast Guard, Eighth District
Louisiana Department of Environmental Quality
Louisiana Department of Natural Resources
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Transportation and Development
Louisiana State Historic Preservation Officer

This notice is being distributed to these and other appropriate Congressional, Federal, state, and local interests, environmental organizations, and other interested parties.

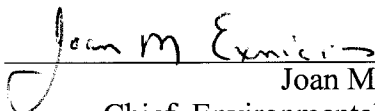
Evaluation Factors. Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency, through 40 CFR 230.

Public Involvement. Interested parties may express their views on the disposal of material associated with the proposed action or suggest modifications. Comments may be submitted in writing to Laura Lee Wilkinson, Hurricane Protection Office, P.O. Box 60267, New Orleans, Louisiana 70160-0267. All comments postmarked on or before the expiration of the 30-day comment period for this notice will be considered.

Any person who has an interest that may be affected by the deposition of excavated or dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the proposed action.

You are requested to communicate the information contained in this notice to any parties who may have an interest in this proposed action.

For further information regarding the proposed action, please contact Ms. Wilkinson at (504)862-1212. Ms. Wilkinson's FAX number is (504) 862-1525 and her E-mail address is Laura.L.Wilkinson@mvn02.usace.army.mil.


Joan M. Exnicios
Chief, Environmental Planning
and Compliance Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: 6 January 2010